

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/12/11

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
 IN RE HERALD, PRIMEO, and THEMA
 SECURITIES LITIGATION,
 -----X

09 **CIVIL** 0289 (RMB)
JUDGMENT

Whereas the above-captioned action having come before this Court, and the matter having come before the Honorable Richard M. Berman, United States District Judge, and the Court, on November 29, 2011 and December 8, 2011, having rendered its Decisions and Orders lifting the stay by this Court in its Decision and Order, dated November 29, 2011, with respect to Plaintiff Davis's claims against HSBC Trust, HSBC Securities, and HSBC Holdings is lifted, and dismissing such claims on the basis of forum non conveniens, as set forth in the November 29, 2011 Decision and Order, severing and staying Plaintiff Davis's claims against the Madoff Defendants from this consolidated action, dismissing Plaintiffs' claims against Erko, Inc., Windsor IBC, Inc., Infovaleur, Inc., and Eurovaleur, Inc., among other parties, for failure to serve and for failure to prosecute, granting Defendants' motion to dismiss, dismissing Plaintiffs Davis and Repex's claims against JPM and BNY under SLUSA and, alternatively, the Martin Act, dismissing Plaintiffs' claims against the remaining Defendants based upon forum non conveniens in favor of Ireland (Thema action) and Luxembourg (Herald and Primeo actions), denying Plaintiffs' motion to amend their respective amended Complaints as futile, and directing the Clerk of the Court to close these consolidated cases, except as to (i) Plaintiff Davis's claims against the Madoff Defendants, which the Clerk is directed to place on the suspense calendar, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Decisions and Orders dated November 29, 2011 and December 8, 2011, the stay by this

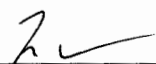
Court in its Decision and Order, dated November 29, 2011, with respect to Plaintiff Davis's claims against HSBC Trust, HSBC Securities, and HSBC Holdings is lifted, and such claims are dismissed on the basis of forum non conveniens, as set forth in the November 29, 2011 Decision and Order; Plaintiff Davis's claims against the Madoff Defendants are severed from this consolidated action and stayed; Plaintiffs' claims against Erko, Inc., Windsor IBC, Inc., Infovaleur, Inc., and Eurovaleur, Inc., among other parties, are dismissed for failure to serve and for failure to prosecute; Defendants' motion to dismiss is granted; Plaintiffs Davis and Repex's claims against JPM and BNY are dismissed under SLUSA and, alternatively, the Martin Act; Plaintiffs claims against the remaining Defendants are dismissed based upon forum non conveniens in favor of Ireland (Thema action) and Luxembourg (Herald and Primeo actions); and Plaintiffs' motion to amend their respective amended Complaints is denied as futile; accordingly, these consolidated cases are closed, except as to Plaintiff Davis's claims against the Madoff Defendants, which is placed on the suspense calendar.

Dated: New York, New York
December 12, 2011

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**